



February 02, 2021

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TEXAS
3 AUSTIN DIVISION

4 STUDENTS FOR FAIR)
5 ADMISSIONS, INC.,)
6 Plaintiff,) CIVIL ACTION
7 VS.) NO.: 1:20-cv-00763-RP
8 UNIVERSITY OF TEXAS AT)
9 AUSTIN,)
10 ET AL.,)
11 Defendants.

12 -----
13 ORAL AND VIDEOTAPED DEPOSITION OF
14 -----
15 FEBRUARY 2, 2021
16 -----
17 VOLUME #1
18 -----
19 ORAL AND VIDEOTAPED DEPOSITION OF [REDACTED]
20 [REDACTED], produced as a witness at the instance of
21 the DEFENDANT, and duly sworn, was taken in the
22 above-styled and numbered cause on February 2, 2021,
23 from 9:35 a.m. to 11:48 a.m. via Zoom before Miah
24 Hoffman, CVR in and for the State of Texas, reported by
25 oral stenography, pursuant to the Federal Rules of Civil
Procedure and the provisions stated on the record or
attached hereto.

1 A P P E A R A N C E S

2 FOR THE PLAINTIFF STUDENTS FOR FAIR ADMISSIONS INC.:

3 J. MICHAEL CONNOLLY
4 CONSOVOY MCCARTHY PLLC
5 1600 Wilson Boulevard, STE 700
6 Arlington, Virginia, 22209
7 Phone: (703) 243-9423
8 Mike@consovoymccarthy.com

9 FOR THE DEFENDANTS UNIVERSITY OF TEXAS AT AUSTIN:

10 MATTHEW C. POWERS
11 GRAVES DOUGHERTY, HEARON &
12 MOODY, P.C.
13 401 Congress Avenue, Suite 2700
14 Austin, Texas 78701
15 Phone: (512) 480-5725
16 Fax: (512) 539-9938
17 mpowers@gdhm.com

18 FOR THE DEFENDANTS UNIVERSITY OF TEXAS AT AUSTIN:

19 JOHN J. (MIKE) MCKETTA III
20 GRAVES DOUGHERTY, HEARON &
21 MOODY, P.C.
22 401 Congress Avenue, Suite 2700
23 Austin, Texas 78701
24 Phone: (512) 480-5725
25 Fax: (512) 539-9938
mmcketta@gdhm.com

19 FOR THE DEFENDANTS INTERVENORS:

20 DAVID HINOJOSA
21 LAWYERS' COMMITTEE FOR CIVIL
22 RIGHTS UNDER LAW
23 1500 K. Street, NW, Suite 900
24 Washington, D.C. 20005
25 Phone: (202) 662-8600
Fax: (202) 783-0857
dhinojosa@lawyerscommittee.org

1 A P P E A R A N C E S

2 FOR THE DEFENDANTS INTERVENORS:

3 CARTER C. SIMPSON
4 HUNTON ANDREWS KURTH LLP
5 2200 PENNSYLVANIA AVENUE, NW
6 Washington, D.C. 20037
7 Phone: (202) 955-1850
8 csimpson@huntonak.com

9 ALSO PRESENT:

10 JOSEPH (JODY) HUGHES: Associate Vice President For
11 Legal Affairs (UT)

12 KTA HOST: DEA BROWN

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EXHIBITS

* There were no exhibits to this deposition

CERTIFIED QUESTIONS

16 NO. PAGE/LINE
17 1 56:5

1 P R O C E E D I N G S
2

3 REPORTER: We are on the record. Today's
4 date is February 2nd, 2021. The time is 9:35 a.m. This
5 is the oral deposition of [REDACTED], and
6 it is being conducted remotely by agreement of the
7 parties or in accordance with current Emergency Orders.
8 The witness is attending from [REDACTED]
[REDACTED].

9 My name is Miah Hoffman, CVR #7859 with
10 Kim Tindall & Associates. I am administering the oath
11 and reporting the deposition remotely by oral
12 stenographic means.

13 My business address is 16414 San Pedro
14 Avenue, Suite 900, San Antonio, Texas 78232. The
15 witness has been identified to me through attestation of
16 his counsel.

17 Would counsel please state their
18 appearances for the record?

19 MR. MCKETTA: This is Mike McKetta for
20 defendants.

21 MR. POWERS: Matt Powers also for
22 defendants.

23 MR. CONNOLLY: Michael Connolly for the
24 plaintiff.

25 MS. SIMPSON: Carter Simpson for the

1 defendant, Intervenors.

2 MR. HINOJOSA: David Hinojosa for the
3 Intervenors.

4 (Witness duly sworn.)

5 [REDACTED],

6 having been first duly sworn, testified as follows:

7 EXAMINATION

8 BY MR. MCKETTA:

9 MR. MCKETTA: Thank you. Mike do you
10 want to just incorporate the stipulations that you
11 recited yesterday or do you want to repeat them?

12 MR. CONNOLLY: Yeah. Would you mind if I
13 repeated them?

14 MR. MCKETTA: Fine.

15 MR. CONNOLLY: So this -- these are the
16 stipulations that the parties agreed to before -- before
17 the deposition. During this deposition it is possible
18 that UT or the Intervenors will ask questions that SFFA
19 believes infringe upon the First Amendment associational
20 rights of SFFA and its members. SFFA may instruct the
21 witness not to answer a question on these grounds. If a
22 disagreement arises as to whether this instruction is
23 improper, the parties agree to do their best to resolve
24 the disagreement during the deposition or if necessary,
25 before the Court. SFFA agrees that UT and the

1 Q. (BY MR. MCKETTA) Would you please give me
2 either an accurate number or a best estimate, but
3 without names, of how many SFFA members you personally
4 know?

5 A. Probably three or four.

6 Q. Okay. Again, without giving me names, are
7 they from your high school?

8 A. No.

9 Q. Okay. Have you ever been furnished or given
10 an opportunity to obtain a complete membership list of
11 SFFA?

12 MR. CONNOLLY: Objection to the form.

13 THE WITNESS: No.

14 Q. (BY MR. MCKETTA) When you receive e-mails that
15 you believe are directed to SFFA members generally are
16 the other members email addresses revealed to you on
17 those e-mails?

18 MR. CONNOLLY: Objection to the form.

19 THE WITNESS: I -- I don't think so.

20 Q. (BY MR. MCKETTA) There's a common method of
21 sending e-mails to a large group with the BCC feature
22 that would not reveal other recipients. Do you know if
23 that's how you receive e-mails that are sent by SFFA?

24 A. I'm not positive, to be honest.

25 Q. [REDACTED], you're now a sophomore, are you not?

1 Q. (BY MR. MCKETTA) Just a yes or no.

2 A. No.

3 Q. Tell me, if you would, the benefit to you
4 personally that you expect if SFFA were to win this
5 lawsuit?

6 MR. CONNOLLY: Objection to the form.

7 THE WITNESS: For me personally, I'll be
8 able to apply to transfer to UT and be considered
9 fairly, and possibly apply there for grad school as
10 well.

11 Q. (BY MR. MCKETTA) Would you not -- suppose this
12 lawsuit has not ended by the time you graduate, does
13 that mean you would not apply to the University of Texas
14 for graduate school?

15 MR. CONNOLLY: Objection to the form.

16 THE WITNESS: It doesn't mean that.
17 Because a lot of people in my industry go to work for a
18 few years and they come back for graduate school and
19 paid for, which I would for sure be interested in doing.

20 Q. (BY MR. MCKETTA) Have you been -- this again,
21 is a yes or no question. Have you been invited to vote,
22 whether you did or did not vote, have you been invited
23 to vote on anything related to SFFA?

24 MR. CONNOLLY: Objection to the form.

25 THE WITNESS: I'm not sure.

1 MR. MCKETTA: Yes.

2 MR. CONNOLLY: And the third one, has he
3 ever -- has he ever voted --

4 MR. MCKETTA: On any SFFA matter.

5 MR. CONNOLLY: Any SFFA matter. Yes, the
6 instruction stands on all three of those questions.

7 Q. (BY MR. MCKETTA) [REDACTED], do you
8 know if SFFA has directors?

9 A. Yes, I believe they do.

10 Q. Do you know whether members participate in
11 electing any one or more of those directors?

12 A. I believe they are capable of doing so, yes.

13 Q. For how many?

14 A. I think it's one.

15 Q. There --

16 A. I -- I think it's just one.

17 Q. And you can't recall if you were ever invited
18 to vote for that one director?

19 A. No. No, I cannot recall.

20 MR. MCKETTA: Okay. I'm through with the
21 questions. Thank you very much for your courtesy and
22 answering my questions.

23 BY MS. SIMPSON:

24 Q. All right. Hi, my name's Carter Simpson and
25 I'm an attorney at Hunton Andrews Kurth and I represent

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11 UNIVERSITY OF TEXAS AT)
12 AUSTIN,)
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14
15 Defendants.

16 REPORTER'S CERTIFICATE
17 OF [REDACTED]

18
19 I, Miah Hoffman, CVR, do hereby certify that the
20 foregoing deposition is a full, true and correct
21 transcript;

22 That the foregoing deposition of Witness,
23 [REDACTED] the Witness, hereinbefore
24 named was at the time named, taken by me in oral
25 stenograph on February 2, 2021, the said Witness having
been by me first duly cautioned and sworn to tell the
truth, the whole truth, and nothing but the truth, and
the same were thereafter reduced to typewriting by me or
under my direction. The charge for the completed
deposition is \$ _____ due from Defendant;

1 () That pursuant to the Federal Rules of
2 Civil procedure, the Witness shall have 30 days after
3 being notified by certified mail, return receipt
4 requested, by the deposition officer that the original
5 deposition transcript is available in her office for
6 review and signature by the Witness and if any
7 corrections made are attached hereto;

8 () That by agreement of counsel, a reading
9 condensed copy of the deposition transcript along with
10 the full-sized original Changes and Signature Sheet has
11 been sent to _____ on _____ for review
12 and signature within 30 days and if any corrections
13 returned are attached hereto;

14 () That by agreement of counsel, the
15 deposition officer is instructed to release the original
16 deposition transcript to

17 _____ on _____ for review and
18 signature, and the deposition officer is thereafter
19 released of any further responsibility with regard to
20 the original;

21 () That the witness shall have thirty (30)
22 days for review and signature of the original transcript
23 and if any corrections returned are attached hereto;

24 () That the signed transcript () was () was
25 not received from the Witness within 30 days;

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1 () That the examination and signature of the
2 Witness is waived by the Witness and the parties;

3 That the amount of time used by each party at
4 the deposition is as follows:

5 Mr. McKetta: 00 HOURS:52 MINUTE (S)
6 Ms. Simpson: 01 HOURS:30 MINUTE (S)
Mr. Connolly: 00 HOURS:01 MINUTE (S)

7 I further certify that I am neither counsel for,
8 related to, nor employed by any of the parties or
9 attorneys in this action in which this proceeding was
10 taken, and further that I am not financially or
11 otherwise interested in the outcome of the action.

12 Certified to by me this 5th day of February,
13 2021.

14 *Mia Hoffman*

15
16 MIAH HOFFMAN, CVR 7859
17 Expiration Date: 9/1/2021
18 Firm Registration No. # 631
19 Kim Tindall & Associates, LLC
20 16414 San Pedro, Suite 900
21 San Antonio, Texas 78232
22 Phone 210-697-3400
23 Fax 210-697-3408
24
25